

# **TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

## **MINUTES OF BOARD MEETING**

**JULY 8, 2008**

President Stephen Murphy called the meeting to order at 10:04 A.M. in Conference Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Stephen Murphy, President, David Murphy, Vice President, Paula Bridges, Dennis Hamilton, Jill Horner and Eugene Williams.

Staff members present were Robert Gribble, Executive Director, Adrian Chick, Staff Attorney, and Jimmy Gossett, Administrative Assistant.

### **ADOPTION OF AGENDA:**

A motion was made by Mr. David Murphy to approve the agenda as printed.

Seconded by Mr. Eugene Williams

Adopted by voice vote

### **APPROVAL OF MINUTES:**

A motion was made by Mr. Dennis Hamilton to approve the minutes of the May 13, 2008 Board Meeting.

Seconded by Mr. Eugene Williams

Adopted by voice vote

### **REQUEST TO APPEAR BEFORE THE BOARD:**

Ophelia E. Ford of Memphis, Tennessee

Per advance request of Ms. Ophelia E. Ford, President Steve Murphy called for Ms. Ford to come forward and address the Board. Ms. Ford was not present. Mr. David Murphy made a motion to allow a 30 minute "window" for Ms. Ford to arrive and be allowed to speak. The "window" was from 10:10 A.M. to 10:40 A.M. Ms. Paula Bridges seconded the motion and it was adopted by voice vote.

At 10:40 A.M., Mr. David Murphy asked for the record to show that Ms. Ford has not arrived and the 30 minutes previously set by the Board has passed. Ms. Ford arrived at 10:45 A.M.

At 10:55 A.M., Mr. David Murphy made a motion to allow Ms. Ford 10 minutes to speak. The motion was seconded by Mr. Eugene Williams and adopted by voice vote. Ms. Ford thanked the Board and explained the reason for her tardiness and the reason she wanted to address the Board was to ask for her expired license back without having to re-apply and take the Laws and Rules Examination. She also explained why her license had not been renewed on time.

The Board took no vote on Ms. Ford's request. However, the Board reminded Ms. Ford of Tenn. Code Ann. § 62-5-316 which states that ***"a license not renewed within 60 days of expiration shall not be subject to renewal or reinstatement and the license holder shall reapply as for an initial license..."*** Furthermore, the Board advised of their action on May 13, 2008 which respectfully denied her request for renewal and required that the applicant must reapply for licensure. Additionally, the Board stated the statute does not authorize a departure from this requirement.

**LEGAL REPORT:**  
**ADRIAN CHICK, STAFF ATTORNEY**

**1. Case No.: L08-FUN-RBS-2008011241**

An inspection on May 6, 2008 revealed the following violations:

- TCA 62-5-308 – The current license of an embalmer was not available for inspection;
- TCA 62-5-107 – A copy of the latest inspection report and license of the crematory the funeral home uses was not available for inspection; and
- FTC Rules – Reason for embalming was not completed on numerous Statements of Funeral Goods and Services Selected.

The Respondent states that the embalmer license was renewed but not received from the Board. The FTC violations have been corrected and copies of the latest inspection report and license of the crematory have been submitted.

**Complaint History:** Seven, all closed.

**Recommendation:** Consent Order assessing civil penalty of \$350 and authorization for hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote

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**2. Case No.: L08-FUN-RBS-2008011271**

An inspection on March 11, 2008 revealed the following violations:

- Rule 0660-6-.03 – Failure to make available records subject to inspection by FTC officials; and
- Rule 0660-6-.02 – Caskets in selection room don't match casket price list.

FTC records have now been placed in the file so that they will be available for inspection. Casket price list has been updated.

**Complaint History:** None

**Recommendation:** Consent Order assessing civil penalty of \$350 and authorization for hearing.

A motion was made by Mr. Eugene Williams to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**3. Case No.: L08-FUN-RBS-2008005701**

This complaint alleges that the Respondent establishment failed to notify the Board of a change in name or ownership within ten (10) days as required by Rule 0660-4-.03 of the Board's rules.

The Respondent states that the date of sale was February 20, 2008 and that it complied with Board rules by submitting an application for change of ownership dated March 4, 2008.

**Complaint History:** Four closed

**Recommendation:** Letter of Warning. The tenth day would have been March 3, 2008, and the application was not received by the Board until March 11, 2008.

A motion was made by Ms. Paula Bridges to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote

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**4. Case No.: L08-FUN-RBS-2008012431**

This complaint alleges false or misleading advertising by the Respondent establishment based upon an advertisement which ran on May 13, 2008 wherein an individual employed by the establishment is listed as a funeral director and embalmer when the individual was not licensed as such. The individual was registered as an apprentice on May 19, 2008.

The Respondent claims that the error was on the part of the publisher, who was supposed to list the individual as an "apprentice" only.

**Complaint History:** One dismissed.

**Recommendation:** Consent order assessing civil penalty of \$500 for false or misleading advertising and authorization for hearing.

A motion was made by Ms. Paula Bridges to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**5. Case No.: L08-FUN-RBS-2008012421**

Same as complaint No. 2008012431, but the respondent here is the apprentice funeral director.

The Respondent claims that the error was on the part of the publisher, who was supposed to list the individual as an "apprentice" only.

**Complaint History:** None.

**Recommendation:** Letter of Warning.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote

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**6. Case No.: L08-FUN-RBS-2008006141**

**7. Case No.: L08-FUN-RBS-2008006891**

**8. Case No.: L08-FUN-RBS-2008006171**

These three complaints allege that an individual went to the establishment, entered into the morgue area, and took photographs of a homicide victim. The individual later published these photographs on the internet.

The Respondents do not deny these factual allegations but state that the individual made his way to the morgue section of the establishment and took the photographs without permission. Respondents state that a sign on the door indicates that it is a hazardous area and off limits to non-employees. Respondents also note that, on the day of the incident, it was a busy evening with a number of visitors in the front offices, lobby and common areas.

**Complaint History:** Numerous, but none related.

**Recommendation:** Legal recommends a consent order assessing the maximum civil penalty of \$1000 against both the Respondent funeral establishment and the Respondent funeral director in charge for failure to take reasonable steps, such as installation of a door lock, to prevent unauthorized entry into an area that is both private and hazardous, which constitutes unprofessional conduct. Legal also recommends that the Board authorize the filing of formal charges in the event the Respondents do not accept the terms of the consent orders.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote

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**9. Case No.: L08-FUN-RBS-2008013431**

This complaint was filed by a competitor that takes offense to a letter mailed to various individuals by the Respondent. The complainant states that the letter "shows tremendous disrespect and insults the nature of our business."

The Respondent states that the letter was not meant to be disrespectful.

**Complaint History:** None

**Recommendation:** Dismiss. The complaint does not set forth facts that would constitute a violation of rules or statutes.

A motion was made by Mr. Eugene Williams to accept Counsel's recommendation.

Seconded by Ms. Jill Horner

Adopted by voice vote

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**10. Case No.: L08-FUN-RBS-2008001721**

An inspection on January 9, 2008 revealed two authorization for cremation forms with no telephone number of the crematory. One cremation authorization form was not signed by the funeral director and not dated.

No response was received.

**Complaint History:** Two closed, unrelated

**Recommendation:** Consent order assessing civil penalty of \$250 and authorization for hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Paula Bridges

Adopted by voice vote

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**11. Case No.: L08-FUN-RBS-2008002641**

This complaint was filed by a competitor who alleges that the Respondent is in violation of FTC rules by charging \$8 for copies of death certificates as a cash advance item. The Statement of Funeral Goods and Services reflects "2 @ \$8 each...\$16.00". At the bottom of the "Cash Advances" section, there is the disclosure "We charge you for our services in obtaining: (specify cash advance items)", but nothing is listed in the corresponding spaces.

The Respondent denies that the Statement of Funeral Goods and Services is in violation of FTC rules or otherwise.

**Complaint History:** One closed.

**Recommendation:** Consent Order assessing civil penalty of \$250 and authorization for hearing. 16 C.F.R. § 453.3(f)(1)(ii) states that it is a deceptive act or practice for a funeral provider to fail to disclose that the price being charged is not the same as the provider's cost. To prevent this deceptive act or practice, a funeral provider must place the disclosure "We charge you for our services in obtaining: (specify cash advance items)" in immediate conjunction with the list of itemized cash advance items.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote

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**12. Case No.: L08-FUN-RBS-2008003521**

An inspection on January 23, 2008 revealed the following violations:

- TCA 62-5-107 – The establishment failed to maintain a copy of the latest inspection report and license of the crematory used;
- FTC Rules – Caskets are being offered to the public that do not appear on the Casket Price List;
- FTC Rules – Alternative containers are not listed on the Casket Price List;
- FTC Rules – The range of prices for outer burial containers is inconsistent with the range listed on the General Price List; and
- FTC Rules – The range of prices for caskets on the Casket Price List is inconsistent with the range listed on the General Price List.

No response was received.

**Complaint History:** 200705446 (Failure to maintain copy of latest inspection report, permanent identification device missing, and FTC violations – Consent order \$500 paid)

**Recommendation:** Consent order assessing civil penalty of \$600 and authorization for hearing.

A motion was made by Ms. Paula Bridges to assess a civil penalty of \$1,000 and authorization for hearing.

Seconded by Mr. David Murphy

Adopted by voice vote

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**13. Case No.: L08-FUN-RBS-2008003591**

An inspection on January 25, 2008 revealed the following violations:

- TCA 62-5-107 – Cremation authorization form did not have address or telephone number of the crematory to be used; and the inspection revealed this form to be the only authorization form in the file;
- FTC Rules – Range of prices for caskets and outer burial containers on General Price List does not match ranges on Casket Price List and Outer Burial Container Price List; and
- FTC Rules – General Price List does not list description of services for immediate burial.

The Respondent has corrected the FTC violations. Further, the Respondent states that the cremation authorization form that was inspected is for “liability only”, and that the actual cremation authorization form contains all required

information. Respondent does not indicate the location of the form with all information on the date of inspection.

**Complaint History:** Two closed, unrelated.

**Recommendation:** Consent order assessing civil penalty of \$500 and authorization for hearing.

A motion was made by Mr. Eugene Williams to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**14. Case No.: L08-FUN-RBS-2008004141**

An inspection on February 7, 2008 revealed the following violations:

- TCA 62-5-107 – Cremation authorization forms for several files lacked required information.

The Respondent is addressing this issue by proper training of staff.

**Complaint History:** None related

**Recommendation:** Consent order assessing civil penalty of \$250 and authorization for hearing.

A motion was made by Ms. Paula Bridges to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote

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**15. Case No.: L08-FUN-RBS-2008004271**

This complaint alleges that upon placement of a body in a casket, it was determined that an oversized casket would be necessary, so the body was removed from the casket. The casket was placed in the establishment's storage facility until another family purchased the same model, at which time the previously used casket was reused. The second family was not aware that the casket used to bury their loved one had previously contained another body.



The Respondent admits the violation and assures the Board that it will not happen again. The Respondent also states that the family has been notified of the incident and refunded.

**Complaint History:** None.

**Recommendation:** Consent order assessing civil penalty of \$750 and authorization for hearing.

A motion was made by Ms. Paula Bridges to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**16. Case No.: L08-FUN-RBS-2008004151**

Same as 2008004271, but this complaint is against the employee funeral director who actually placed the body in the used casket.

The response is the same as above.

**Complaint History:** None.

**Recommendation:** Consent order assessing civil penalty of \$1000 and authorization for hearing.

A motion was made by Ms. Paula Bridges to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**17. Case No.: L08-FUN-RBS-2008005071**

**18. Case No.: L08-FUN-RBS-2008005091**

**19. Case No.: L08-FUN-RBS-2008005131**

This complaint was filed by a competitor of the Respondents and alleges that the Respondents made phone calls to a family knowing that the family had chosen the complainant to handle funeral arrangements. The complainant includes a statement by a family member that states the Respondents contacted her after the passing of her grandmother and was informed that her grandmother had passed and arrangements were being handled by the complainant establishment. According to the statement, the Respondents offered to beat the complainant's price by \$1,000, then by \$1,500, then by \$2,000. The family

member found the calls very offensive and disrespectful considering the passing of her grandmother.

According to the Respondents, the family member had visited their establishment prior to the passing of her grandmother and inquired about making arrangements and indicated an intention to use the Respondent's establishment. The Respondents state that they were simply following up on the customer's inquiry and made no further contact upon learning that death had occurred and that the complainant was handling arrangements.

**Complaint History:** None related.

**Recommendation:** Letter of Warning. Statements of complainant and Respondents are conflicting and it's unclear whether the Respondents' calls were simply follow up calls or improper or unprofessional conduct.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Jill Horner

Adopted by voice vote

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**20. Case No.: L08-FUN-RBS-2008005221**

An inspection on February 26, 2008 revealed the following violations:

- TCA 62-5-313 – A required permanent identification device lacked the decedent's date of birth and the name was not legible. The body was dressed and casketed; and
- TCA 62-5-107 – Failure to maintain a copy of the latest inspection report and license of the crematory used.

The Respondent states that the identification tag was only a temporary tag and the employee did not realize the permanent tag had to be placed prior to placing the body in the casket. A copy of the latest inspection report and license of the crematory used was provided prior to completion of the inspection.

**Complaint History:** None.

**Recommendation:** Consent order assessing civil penalty of \$250 and authorization for hearing.

A motion was made by Ms. Paula Bridges to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote

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**21. Case No.: L08-FUN-RBS-2008005231**

An inspection on February 5, 2008 revealed the following violations:

- FTC Rules – General Price List does not specify type of alternative container;
- FTC Rules – Direct Cremation does not list range;
- FTC Rules – Price is listed incorrectly for direct cremation with alternative container;
- FTC Rules – Immediate burial with minimum casket is incorrect and price range is incorrect;
- FTC Rules – Casket price range is incorrect on General Price List;
- FTC Rules – Casket price list does not list name of business;
- FTC Rules – Casket price list does not include alternative container used for cremation;
- FTC Rules – Casket Price List lacks correct title; and
- FTC Rules – Statements of Funeral Goods and Services do not indicate reason for embalming where applicable.

No response received.

**Complaint History:** Two closed, unrelated.

**Recommendation:** Consent order assessing civil penalty of \$350 and authorization for hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Paula Bridges

Adopted by voice vote

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**22. Case No.: L08-FUN-RBS-2008005261**

This complaint was filed by an assistant medical examiner who alleges that her signature was forged on a certificate of death. She states that the first certificate of death was released to the funeral home but the Respondent requested a second certificate of death due to typing errors the Respondent made on the first certificate. The medical examiner sent a second certificate, and after receiving a copy of the filed certificate by the health department, realized that the signature was not her original signature and appeared to have been copied or traced.

The Respondent funeral director and manager states that the second certificate was completed and then presented for filing. However, the health department

would not accept the certificate due to names of months being abbreviated. The Respondent felt that the health department was being difficult to deal with and, in order to avoid further delay, and as the result of family members' continued requests for the death certificate, the Respondent scanned the original, made changes to the months, retraced the "information", and then filed it.

**Complaint History:** None.

**Recommendation:** Consent order assessing civil penalty of \$1000, voluntary suspension of his funeral director license for thirty (30) days and authorization for hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Paula Bridges

Adopted by voice vote

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**23. Case No.: L08-FUN-RBS-2008005271**

Same as Complaint No. 2008005261, except this Respondent is the establishment.

**Recommendation:** Consent order assessing civil penalty of \$1000 and authorization for hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote

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**24. Case No.: L08-FUN-RBS-2008004761**

This complaint alleges that the respondent apprentice indicated on his first application for apprentice registration that he had been convicted of D.U.I. in 1990. The Respondent registered for his second year apprentice over a year later and failed to indicate whether he had previous convictions. He was asked to resubmit his application. On his second application for his second year apprentice, the Respondent indicated no previous convictions.

The Respondent claims that he did not intend to mislead anyone and that he simply checked the wrong box.

**Complaint History:** None.

**Recommendation:** Letter of Warning. This letter will be maintained in his file and presented to the Board upon application for licensure.

A motion was made by Mr. Eugene Williams to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**25. Case No.: L08-FUN-RBS-2008005651**

An inspection on February 13, 2008 revealed the following violations:

- FTC Rules – The price charged for use of facilities and staff is higher than the amount listed on the General Price List;
- FTC Rules – Range of prices on General Price List did not match range of prices on Outer Burial Container Price List and Casket Price List;
- FTC Rules – Statement of Funeral Goods and Services Selected lacks description of items selected; and
- Rule 0660-6-.03 – Respondent failed to make Statements of Funeral Goods and Services Selected available for inspection. The Respondent provided only 14, and over 100 should have been available for inspection.

The Respondent states the others are kept at his residence out of state.

No response was received.

**Complaint History:** One, unrelated.

**Recommendation:** Consent Order assessing civil penalty of \$750 and authorization for hearing.

A motion was made by Mr. Dennis Hamilton to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote

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**26. Case No.: L08-FUN-RBS-2008005661**

An inspection on February 27, 2008 revealed the following violations:

- FTC Rules – Outer Burial Container Price List does not match range of prices on the General Price List; and

- FTC Rules – Casket Price List does not reflect all caskets offered.

The Respondent has submitted updated price lists.

**Complaint History:** None.

**Recommendation:** Letter of Warning.

A motion was made by Mr. Eugene Williams to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**27. Case No.: L08-FUN-RBS-2008003581**

An inspection on January 25, 2008 revealed that the price shown for immediate burial services exceeds the total of the itemized prices underneath.

The Respondent has corrected the error.

**Complaint History:** None.

**Recommendation:** Letter of Warning.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Paula Bridges

Adopted by voice vote

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**28. Case No.: L08-FUN-RBS-2008011231**

An inspection on May 6, 2008 revealed the following violations:

- TCA 62-5-104 – Three caskets in the selection room failed to include a description of the material of construction; and
- FTC Rules – Four caskets in the casket selection room being offered to the consumer were not listed on Casket Price List.

The Respondent has corrected all discrepancies.

**Complaint History:** Two closed, one related to FTC violations.

**Recommendation:** Consent Order assessing civil penalty of \$350 and authorization for hearing.

A motion was made by Mr. Dennis Hamilton to accept Counsel's recommendation.

Seconded by Ms. Jill Horner

Adopted by voice vote

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**29. Case No.: L08-FUN-RBS-2008000741**

This complaint alleges that the Respondent establishment failed to notify the Board of a change in the licensed funeral director in charge of the establishment within ten (10) days.

The Respondent has closed his business.

**Complaint History:** None.

**Recommendation:** Letter of Warning.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Jill Horner

Adopted by voice vote

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**30. Case No.: L08-FUN-RBS-2008008301**

An inspection on March 12, 2008 revealed an employee of Respondent in the preparation room who appeared to be putting embalming chemicals in the incision prior to suturing a body that had been autopsied. No other persons were present in the preparation room.

The Respondent states that the employee was not embalming.

**Complaint History:** Numerous.

**Recommendation:** Consent Order assessing civil penalty of \$500 and authorization for hearing.

A motion was made by Ms. Paula Bridges to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote

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**31. Case No.: L08-FUN-RBS-2008008311**

Same as Complaint No. 2008008301, except this Respondent is the employee.

An inspection on March 12, 2008 revealed the Respondent employee in the preparation room. The employee appeared to be putting embalming chemicals in the incision prior to suturing a body that had been autopsied. No other persons were present in the preparation room.

The Respondent states that the employee was not embalming.

**Complaint History:** None.

**Recommendation:** Consent Order assessing civil penalty of \$250 and authorization for hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Paula Bridges

Adopted by voice vote

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**32. Case No.: L08-FUN-RBS-2008008241**

An inspection on March 13, 2008 revealed the following violations:

- TCA 62-5-303 – The Respondent, unlicensed as a funeral director, signed a Statement of Funeral Goods and Services as a funeral director.

The Respondent states as follows: The signature of the unlicensed person on the Statement of Funeral Goods and Services was only for an estimate prior to the time of death. The new managing director will ensure this does not happen again.

**Complaint History:** None.

**Recommendation:** Consent Order assessing civil penalty of \$500 and authorization for hearing.

A motion was made by Ms. Paula Bridges to accept Counsel's recommendation.

Seconded by Mr. Eugene Williams

Adopted by voice vote



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**33. Case No.: L08-FUN-RBS-2008006981**

This complaint concerns an attempted buy – sell of an establishment that turned sour and failed. The complaint does not set forth facts that constitute violation of statutes or rules.

**Recommendation:** Dismiss.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Paula Bridges

Adopted by voice vote

**ADMINISTRATIVE MATTERS:  
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR**

**REPORT OF LICENSES ISSUED MAY 13, 2008 – JULY 7, 2008  
BY EXECUTIVE DIRECTOR AS PER BOARD AUTHORITY**

**LICENSEE REPORT:**

**Establishments**

Davis-Campbell-McClain Funeral Home Nashville, TN	Name Change
Burns-Short Funeral & Cremation Services Nashville, TN	Name Change
Jeffers Funeral and Cremation Service Greeneville, TN	Name Change
Luff Bowen Funeral Home 2400 Highway 13 North Waverly, TN	Location Change

**Individuals**

Stephanie Brook Working Lebanon, TN	Funeral Director/Embalmer
Jason Daniel Johnston Linden, TN	Funeral Director/Embalmer

Adam Brent Alder  
Talbott, TN

Funeral Director/Embalmer

Alexa Suzanne Forkum  
Hermitage, TN

Funeral Director/Embalmer

Ray Keith Perry  
Portland, TN

Funeral Director

Keah Jean Deal  
Norris, TN

Funeral Director  
Reapplication

James C. Eggert  
Jasper, TN

Embalmer

Sharon Renee Phiher  
Pulaski, TN

Embalmer

**CLOSED ESTABLISHMENT REPORT:**

No establishments have reported closing since the last board meeting.

**DISCIPLINARY ACTION REPORT:**

**The Board has previously authorized these consent orders and civil penalties. The Consent Orders have been signed and the civil penalties paid by the respondents. The Executive Director requests the Board's acceptance of the following consent orders.**

Complaint No. 2008008221

Violation: FTC Rules, an unlicensed person signed contract as a funeral director, operating establishment by name other than licensed name, failure to retain authorizations to cremate and failure to maintain a copy of current license and latest inspection report for the crematory that the funeral home uses

Action: \$750 Civil Penalty

Complaint No. 2008008331

Violation: Operating establishment by name other than as licensed by the Board

Action: \$250 Civil Penalty

Complaint No. 2008001701

Violation: Signed, as a funeral director, authorizations to cremate without being licensed in this state

Action: \$750 Civil Penalty

Complaint No. 2008008341

Violation: FTC Rules  
Action: \$250 Civil Penalty

Complaint No. 2008008321

Violation: The current funeral director and embalmer licenses of the manager were not available for inspection  
Action: \$250 Civil Penalty

Complaint No. 2008008271

Violation: FTC Rules and failure to affix a permanent identification device to the deceased human remains  
Action: \$350 Civil Penalty

Complaint No. 2008001711

Violation: FTC Rules, aiding or abetting an unlicensed person in the practice of funeral directing and authorizations to cremate were not signed by a licensed funeral director  
Action: \$1500 Civil Penalty

Complaint No. 2008008291

Violation: Failure to affix a permanent identification device to deceased human remains and other deceased human remains lacked the decedent's social security number or notation that such was not available  
Action: \$250 Civil Penalty

A motion was made by Mr. David Murphy to approve the Executive Director's request for the Board's acceptance of the above listed Consent Orders.

Seconded by Ms. Paula Bridges

Adopted by voice vote

#### **OPEN COMPLAINT REPORT:**

As of July 3, 2008, there were 102 open complaints.

#### **APPROVAL OF INDIVIDUAL LICENSE:**

Upon motion, based upon application record, the following individual was approved for licensure:

**Eric Daniel Hendricks**  
**Lebanon, Tennessee**

**Funeral Director and Embalmer**  
**Reciprocity**

#### **APPROVAL OF ESTABLISHMENT LICENSES:**

Upon motion, based upon the application records, the following establishments were approved for licensure:

**WHITSON FUNERAL HOME  
30 NORTH DIXIE AVENUE  
COOKEVILLE, TN**

**Change of Ownership  
New Ownership: Sole Proprietor  
New Owner: David Brown, Cookeville, TN**

**BAXTER FUNERAL HOME  
228 THIRD AVENUE SOUTH  
BAXTER, TN**

**Change of Ownership  
New Ownership: Sole Proprietor  
New Owner: David Brown, Cookeville, TN**

**ADJOURN:**

A motion was made by Mr. Eugene Williams to adjourn.

Seconded by Ms. Paula Bridges

Adopted by voice vote

There being no further business, the meeting was adjourned by President Steve Murphy at 11:45 A.M.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director